

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Richmond Division

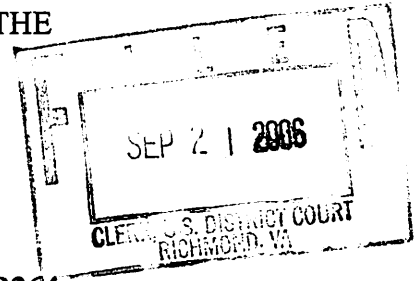
UNITED STATES OF AMERICA

v.

LAMONT E. McCORD,

Defendant.

Criminal No. 3:06CR264



STATEMENT OF FACTS

Had this case gone to trial the United States would have proved each of the following facts beyond a reasonable doubt. The Government would have relied on the testimony of eyewitnesses and exhibits to prove its case. The defendant stipulates that the factual allegations contained in the pending Information and the statement of facts is true in every material respect, and that all the events occurred in the Eastern District of Virginia.

1. On July 20, 2006, as part of the United States Department of Justice's (DOJ)/ Alcohol, Tobacco, Firearms and Explosives' (ATF) Violent Crime Impact Team (VCIT) initiative, ATF Task Force Officer Luther Burdette, III, in conjunction with other members of the Richmond City Police Department's Narcotics Division, and other VCIT members conducted interviews regarding violent street robberies, illegal firearm possession and the illegal trafficking of narcotics, in a specific section of South Richmond.

2. During these interviews, one particular individual was described as "MONT." "MONT" was related to be a regular trafficker of cocaine base, whose "career" was noted to be the "robbing" of persons within the neighborhood. In addition, the cooperator told TFO Burdette

and others that "MONT" and his associates have previously used firearms in the commission of the above-noted offenses.

3. "MONT" was further described as being part of a group of three individuals, who on this same date (July 20, 2006), included one individual who was wearing an "all-white," "nice," "ENYCE" outfit. Subsequent to these interviews, Burdette, in conjunction with Richmond Police Detectives Kevin Mills and Kevin Hiner spotted an individual wearing an all white "ENYCE" outfit walking east on Hull Street, from Broad Rock Road. This individual then walked into the C&C Quick Stop convenience store.

4. The three law enforcement officers entered the store and observed the individual, later identified as McCORD, standing in line, near the cash register. The three officers were all in plain clothes but with badges displayed. When McCORD began to leave, law enforcement personnel engaged him in a consensual encounter and conversation. Burdette positioned himself such that he was not between the defendant and the door and at no time was McCORD surrounded. The conversation occurred toward the back of the store as McCORD propped himself up on a cooler/refrigeration unit. During this time, Burdette asked McCORD if he was in possession of any "burners," a street slang for firearms.

5. McCORD notably hesitated before responding "no." Burdette observed the defendant's demeanor and concluded, based on his training and experience, that he was under the influence of heroin as his speech was slow and his eyes partially closed during conversation. McCORD then began a self-check of his pockets, in an apparent attempt to verify that he had no firearm to the law enforcement officers. In doing so, McCORD turned to his right side, away from Burdette, and addressed another officer who was not engaged in the conversation. During

this time the third officer was obtaining the defendant's criminal history and warrant based on information provided by McCORD earlier in the conversation. Burdette, in noting the irregularities of the subject's behavior, then advised McCORD that he (Burdette) would conduct a pat down for weapons. At no point did McCORD object, ask to leave or in any way protest.

6. Burdette immediately found a firearm in McCORD's right-side waist band. This firearm was found to be loaded, with no round of ammunition in the chamber. The recovered firearm was noted to be a Sturm Ruger & Company, Model P95DC, 9mm semiautomatic pistol, serial #31405216. Subsequent investigation revealed that McCORD was wanted in the City of Richmond on a warrant for Domestic Assault and Battery. It was further confirmed that this warrant was on file with the Richmond City Police Department. McCORD was arrested on the scene.

7. A criminal record check confirmed that McCORD was several felony convictions punishable by imprisonment of one year or more, to include a June 16, 2005 conviction for of Possession of Cocaine with the Intent to Distribute in the Circuit court of the City of Richmond.

8. The Sturm Ruger & Company, Model P95DC, 9mm semiautomatic pistol, serial #31405216 was possessed in and affected interstate commerce in that it was manufactured outside the Commonwealth of Virginia and traveled in interstate commerce prior to July 20, 2006.

9. Subsequent to his arrest, McCORD was found in possession and under the influence of Percocet, for which he did not have a valid prescription.


10. McCORD committed the acts described herein unlawfully, knowingly, and willfully, and without legal justification or excuse with the specific intent to do that which the law forbids, and not by mistake, accident or any other reason.

11. At all times relevant to Count One of the Information and the underlying facts, the defendant, LAMONT E. McCORD, having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess a firearm, to wit: a Sturm Ruger & Company , Model P95DC, 9mm semiautomatic pistol, serial #31405216, in and affecting interstate and foreign commerce.

Respectfully submitted,

CHUCK ROSENBERG
UNITED STATES ATTORNEY

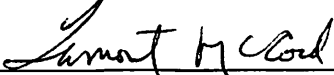
By:


Charles E. James, Jr.
Assistant United States Attorney

DECLARATION

By my signature appearing below, I affirm under penalty of perjury that I have read and agree with the contents of this statement of facts and the same is incorporated by reference into the plea agreement. Moreover, I admit that I participated in the underlying criminal conduct as stated. This is the 21st day of September 2006.


9-21-06
Date



LAMONT E. McCORD
Defendant

I am the attorney for the defendant and I have read and agree with the statement of facts.

9-21-06
Date



Horace F. Hunter, Esq.
Counsel for LAMONT E. McCORD